

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

BRENDA F. CHEVIS

CIVIL ACTION NO. 6:11-CV-00237

VERSUS

JUDGE HAIK

THE LAFAYETTE POLICE
DEPARTMENT, through the LAFAYETTE
CITY-PARISH CONSOLIDATED
GOVERNMENT, ET AL.

MAGISTRATE JUDGE HANNA

RULE 7(a) HEIGHTENED PLEADING REVIEW

In this §1983 civil rights suit, the plaintiff sued the following defendants: Lafayette City-Parish Consolidated Government, Officer Bart Ryder of the Lafayette City Police Department, other unnamed police officers, and the city-parish's insurer. Officer Ryder was sued both individually and in his official capacity. In his answer, Officer Ryder pleaded qualified immunity. The undersigned has therefore conducted an evaluation of plaintiff's complaint to determine whether it meets the applicable heightened pleading requirement.¹

¹ See *Schultea v. Wood*, 47 F.3d 1427, 1433-34 (5th Cir. 1995); *Baker v. Putnal*, 75 F.3d 190, 195 (5th Cir. 1996).

After review, the undersigned concludes that the plaintiff has “supported [her] claims with sufficient precision and factual specificity to raise a genuine issue as to the illegality of defendants’ conduct at the time of the alleged acts.”²

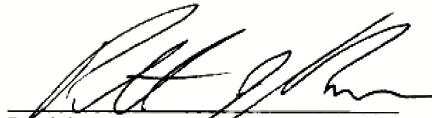
The plaintiff alleges that her minor child, A.C., was taken into custody on or about February 16, 2010, after being attacked by persons whose names are not known. A.C. was allegedly placed on the ground in a seated position by the police. Allegedly remaining seated but upset by her circumstances, A.C. allegedly spoke with some of her attackers, who had also apparently been taken into custody. At that point, Officer Ryder allegedly “grabbed both of her shoulders and violently shook her, causing her head to whip forward and backward as he yelled at her.” (Rec. Doc. 1 at ¶4.) Other officers who were present allegedly failed to intervene. The incident was videotaped and allegedly was shown on youtube, CNN, and local news channels. Officer Ryder was allegedly reprimanded for his conduct during this incident and suspended with pay.

The plaintiff further contends that, because of this incident and the publicity surrounding it, A.C. has had to change schools, she has attempted suicide, she has been hospitalized for depression, and she has undergone surgery for abdominal pain.

² *Schultea v. Wood*, 47 F.3d at 1434.

Although the court may later determine the facts in favor of the defendants, the sole issue presented here is whether the plaintiff has satisfied the heightened pleading requirement, which the undersigned concludes she has. Thus, no order limiting discovery is appropriate.

Signed at Lafayette, Louisiana on this 4th day of October 2011.



Patrick J. Hanna
United States Magistrate Judge
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